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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,014	01/03/2001	Jeff Nordstrom	260/056	2763

25746 7590 10/28/2004

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HOUSTON, TX 77070

EXAMINER

SULLIVAN, DANIEL M

ART UNIT PAPER NUMBER

1636

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

1004

DATE MAILED:

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Commissioner for Patents

The amendment to the specification filed on 18 August 2004 does not comply with the requirements of 37 CFR 1.121(c) because it does not unambiguously identify the location to replace the paragraphs with the replacement paragraphs and does not properly indicate each of the changes made relative to the previous version of the paragraph. Amendments to the specification filed on or after July 30, 2003 must comply with 37 CFR 1.121(c) which states:

(b) Specification . Amendments to the specification, other than the claims, computer listings (§ 1.96) and sequence listings (§ 1.825), must be made by adding, deleting or replacing a paragraph, by replacing a section, or by a substitute specification, in the manner specified in this section.

(1) Amendment to delete, replace, or add a paragraph . Amendments to the specification, including amendment to a section heading or the title of the invention which are considered for amendment purposes to be an amendment of a paragraph, must be made by submitting:

(i) An instruction, which unambiguously identifies the location, to delete one or more paragraphs of the specification, replace a paragraph with one or more replacement paragraphs, or add one or more paragraphs;

(ii) The full text of any replacement paragraph with markings to show all the changes relative to the previous version of the paragraph. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strikethrough cannot be easily perceived;

The amendment directs entry at specific paragraph numbers (e.g., paragraph [0083]) based on the paragraph numbering that was added in publication, which paragraph numbers do not appear in the originally filed specification. Because the PG-Publication is not part of the disclosure and because the number or order of paragraphs in an application can change over prosecution, reference to paragraph numbers in a PG-Publication does not unambiguously indicate where paragraphs should be inserted in the actual specification. Furthermore, the amendment contains the insertion of paragraph numbers at the beginning of each amended paragraph, which are not properly indicated as newly added. Therefore, the amendment does not comply with the requirements of Rule 1.121.

Since the reply appears to be bona fide, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel M Sullivan whose telephone number is 571-272-0779. The examiner can normally be reached on Monday through Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Remy Yucel, Ph.D. can be reached on 571-272-0781. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'D. Sullivan', with a long horizontal line extending to the right.

Daniel M Sullivan, Ph.D.
ExaminerArt Unit 1636